

Congress of the United States
Washington, DC 20510

June 29, 2022

The Honorable Paul Tonko
Chairman
Environment & Climate Change,
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable David B. McKinley
Ranking Member
Environment & Climate Change,
House Committee on Energy and Commerce
2322 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Tonko and Ranking Member McKinley:

Thank you for holding a hearing on this critical issue: our broken recycling system. This hearing offers a timely look into our excessive waste generation, and our societal addiction to the fossil fuel-derived petrochemical products filling our recycling centers, our landfills, our communities, and now, our very own bodies. The evidence is clear: the plastic waste crisis is not simply a solid waste issue, but is intimately tied to climate change, environmental justice, and international human rights – as plastics harm public health, the environment, and our climate through every stage of their toxic life cycle.

Ninety-nine percent of plastics are derived from fossil fuels. And for a society already facing the health and environmental implications of climate change, simply shifting our dependence from one application of fossil fuels to another is not the answer. If we fail to curb plastic from source to end-of-life, the issue will only get worse, because the extent of our plastics crisis runs far beyond recycling, and recycling, alone, won't save us.

The oil and gas industry has already made plans to shift production towards petrochemical products, as they seek to maintain their record profits amidst our energy transition. The U.S. oil and gas industry has ramped up its production of petrochemicals and plastics and continues to build new and bigger petrochemical plants to further amplify our plastics crisis. As such, the latest projections show U.S. plastic production and consumption will triple by 2060.¹

Analysis of the entire plastics lifecycle demonstrates that this production and waste management has wide-ranging consequences for both the environment and human health, including on ozone formation, land-use and land-use changes, eutrophication, toxicity, ecotoxicity, and acidification.² Each of these severe impacts is projected to double or triple by 2060. Land-use changes and

¹ OECD (2022), *Global Plastics Outlook: Policy Scenarios to 2060*, OECD Publishing, Paris, <https://doi.org/10.1787/aa1edf33-en>.

² n.d.

eutrophication are projected to increase the most as a result of increased plastic production, which will further jeopardize our communities and stifle our ocean and forests' ability to sequester carbon and regulate the climate.

Thankfully, there are solutions to halt this crisis before it gets worse. For this reason, in 2020, I introduced the *Break Free from Plastic Pollution Act*—a roadmap to meaningfully tackle the plastic crisis. The bill was the culmination of a year-long process comprised of extensively researching plastics and policy approaches, opening the bill to public comments, and incorporating countless public comments into legislation to address the issue. While this bill is the most comprehensive federal legislation ever introduced to address our plastic waste crisis, it is very important to note that nothing in the bill is new or radical.

This bill incorporates best practices and important common-sense policies already successfully being implemented in other countries, or at the state and local level, to ensure that our communities are protected from the health and environmental impacts of plastic production, pollution, and waste and that our communities and municipalities are no longer burdened with having to foot the bill for cleanup and disposal. By requiring that producers are responsible for the end-use of their own products, incorporating minimum recycled content standards and a national container deposit system, and investing in our domestic recycling infrastructure, this bill creates the structure and incentive to build better products and close the loop for a circular economy.

This bill will also ban often polluted plastic items that have commonly available, more sustainable alternatives, like plastic bags and styrofoam in packaging and food ware. It encourages reuse, and standardizes recycling and labeling across the country, to address the downstream impacts of our mass consumption and near-immediate disposal of plastic waste. Additionally, the bill closes environmental leakage pathways, by addressing the release of microfibers from our clothing—which is now the prominent source of microplastics in our ocean—addresses plastic pellets and includes measures to protect against toxic chemicals still included in the manufacturing of plastic products that we use every day.

The provisions in my *Break Free From Plastic Pollution Act* offer a comprehensive approach to address our broken system and protect environmental and human health which are victims to this crisis. Most importantly, environmental justice is a key component of the provisions in this bill. As we have seen with the COVID – 19 pandemic, the most vulnerable populations in our country are the most disproportionately impacted. These tend to be communities of color and immigrant communities. The same is true for the climate crisis and the associated plastic pollution crisis.

In the U.S., petrochemical production is responsible for dumping tens of thousands of pounds of toxic chemicals into the air and water each year, exposing communities to toxins causing brain cancer, liver cancer, lung cancer, and countless additional and often fatal ailments.³ Plastics further contain and leach toxic chemicals, such as endocrine disruptors⁴, and can carry harmful viruses

³ ProPublica (2021), *Air Monitors Alone Won't Save Communities from Toxic Industrial Air Pollution*.

⁴ Beyond Plastics (2020), *Plastics Pose a Threat to Human Health*.

and bacteria from wastewater or the environment.⁵ The environmental justice implications of plastic's toxic and ever-lasting life cycle continue from petrochemical production, through every stage in the plastic supply chain, harming communities both at home and abroad.^{6,7} For this reason, it was vital for me to make environmental justice central to the policies in the *Break Free From Plastic Pollution Act*.

The bill includes a comprehensive study by the EPA and National Academies of Science on cumulative impacts on human health and the environment from incinerators and plastic production facilities and refineries. This bill requires the EPA subsequently update clean air and water act regulations based on the results of this study to ensure that these facilities do not poison the environment or the populations who live around these facilities.

The *Break Free From Plastic Pollution Act* applies one of the core principles of environmental law: 'the polluter pays.' It is time for multi-billion-dollar companies to step up and cover the costs of cleaning up the waste from their products. As the global leader in plastic waste production, we have a responsibility and a duty to address this problem. We are running out of time to deal with this crisis of our own creation, and this legislation is a rational and commonsense first step on the path to implementing lasting solutions.

I am proud to say that since I initially introduced this legislation, many of these policies, including extended producer responsibility, minimum recycled content standards, and environmental justice protections have been introduced in dozens of state legislatures and growing. But, also since initially introducing this legislation in 2020, nearly 100 million tons of plastic waste have been generated in the U.S., and recycling rates have fallen to only 5-6%.⁸ Since its initial introduction in 2020, plastic has been found in human blood, and in human lungs. Since initially introducing this bill, the plastics industry has emitted roughly 580 million tons of CO₂e gas into our atmosphere—emissions equivalent to that of nearly 300 average coal-fired power plants.⁹

It's clear there is far more work to be done—that must be done. And the federal government has an obligation to help us make it happen. I have waited over three years to see a hearing on this bill and it is time we protect the American people, communities, and our environment from this crisis.

From today onward, as we address the broken recycling system, we must acknowledge the entire system of this crisis we're up against and recognize that recycling is one piece of a much larger puzzle. And we must ensure solutions to this challenge are as comprehensive as the plastic supply chain, itself: with mitigation efforts spanning from production to end-of-life, and every stage in between. The *Break Free From Plastic Pollution Act* is a common-sense, and critically comprehensive solution that can help our nation lead with such solutions, mitigate toxic production, and change the course of this crisis.

⁵ Moresco, et al. (2022), *Binding, recovery, and infectiousness of enveloped and non-enveloped viruses associated with plastic pollution in surface water*. Environmental Pollution. Vol. 308. <https://doi.org/10.1016/j.envpol.2022.119594>.

⁶ UNEP (2021), *NEGLECTED: Environmental Justice Impacts of Marine Litter and Plastic Pollution*.

⁷ Beyond Plastics (2021), *Plastic Waste Poisoning Food And Threatening Communities In Africa, Asia, Central & Eastern Europe and Latin America*.

⁸ Beyond Plastics (2022), *The Real Truth About the U.S. Plastics Recycling Rate*.

⁹ Beyond Plastics (2021), *The New Coal: Plastics and Climate Change*.

Thank you for presenting my bill before the Committee and the invited witnesses, today.

Sincerely,

A handwritten signature in blue ink that reads "Alan Lowenthal". The signature is written in a cursive, flowing style.

Rep. Alan Lowenthal, CA-47